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Security Council

Sixty-sixth year

Provisional

6541st meeting

Tuesday, 31 May 2011, 11 a.m.

New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Alzate
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Kumar
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. Rice

Agenda

The situation of Libya

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11-35804 (E)

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The meeting was called to order at 11.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President (*spoke in French*): Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Lynn Pascoe, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Pascoe.

Mr. Pascoe: I appreciate this opportunity to brief the Security Council on the situation in Libya, as requested in resolution 1973 (2011). Let me start with a brief summary of the latest developments in Libya.

It has now been three months since the political crisis began. Fighting between Government and opposition forces continues, particularly in the western part of the country. The NATO-led Operation Unified Protector has intensified its operations in Libya, with repeated claims by the Government of Libya of civilian causalities. Defections from the regime seem to again be on the rise, including those of eight generals from the Libyan military who are now in Italy, along with many of their officers. They have appealed to others in the military to join them and to stop the atrocities being committed against their people.

Opposition forces have gained control of Misrata and reportedly pushed Government troops westward, but there continues to be fighting on the outskirts of Misrata and the city is only accessible by sea. The Government forces have intensified their campaign to take strategic positions in the western Nafusa mountains, especially in areas surrounding the city of Yafran, where more than 54,000 Libyans have fled into Tunisia.

The battle between the opposition and Government forces continues on the Libyan-Tunisian border and has at times spilled over into Tunisia. Tensions between refugees and local residents along the border have escalated. Unrest at Choucha Camp in Tunisia on 23 and 24 May resulted in the deaths of four camp residents and the injury of 19 others. On 27 May, two-thirds of the camp was looted or burned. The humanitarian community and the Tunisian Government are now discussing the security, location and composition of the camp in Tunisia. Approximately 3,000 refugees, mainly from Côte d'Ivoire, Eritrea and Somalia, live in the camp.

The human rights situation remains deeply troubling. In her briefing to the Human Rights Council yesterday, the High Commissioner for Human Rights condemned the brutality and magnitude of measures taken by the Government of Libya and described its actions as being "particularly shocking in their outright disregard for basic human rights". We have also seen very serious reports of sexual violence against women, including gang rapes by the military forces.

Since the start of the conflict, about 893,000 people, mostly migrants, have left Libya and have not returned. Some 5,000 people remain stranded at border points in Egypt, Tunisia and Niger. There are also reports of many Chadian workers stranded at the border with Chad. Perhaps 50,000 internally displaced people are living in settlements in the east. Some are returning to Ajdabiya. To date, around 14,000 people have arrived by boat in Italy and Malta; at least 1,200 people have died or are missing as a result of the journey. Hundreds of people who fled to Tunisia and Egypt in recent weeks have crossed back into Libya, apparently planning to board ships to Europe.

According to the Transitional National Council (TNC), 6,000 families in Benghazi district require assistance. Although there are some medicine shortages, stocks of food, water and medical items are sufficient in opposition-controlled areas. However, fuel and cash shortages continue to affect daily life. In Tripoli, shortages of fuel, infant formula, food commodities and drug are being reported. Food availability in the west is estimated to be sufficient for a month. The Government of Libya has requested the intervention of the United Nations to allow shipments of gasoline to be permitted to enter the country to ensure the continuation of basic services.

The TNC estimates that it has only 40 per cent of the funds needed to cover its budget for April and May. Over 13,700 people have been evacuated from Misrata, and the situation has eased in the city. On 21 and 22 May, the seventh ship of the International Organization for Migration to Misrata delivered additional food supplies and allowed for the deployment of an inter-agency team to carry out an initial assessment of humanitarian needs in Misrata.

The revised $407-million regional flash appeal for the Libyan crisis is currently funded at about 46 per cent, with $185 million committed and over $4 million in pledges. The revised appeal has a stronger focus on humanitarian action inside Libya, and targets 1.7 million people in need.

The United Nations has established international presences in Tripoli, Benghazi and Tobruk. As members of the Council know, due to the deteriorating security situation United Nations staff in Tripoli had to relocate on 2 May, but after discussions with the Government on security and other arrangements for humanitarian agencies, a United Nations humanitarian team, led by the Humanitarian Coordinator, returned to Tripoli on 29 May and will stay on for 10 days.

Please allow me to outline some of the political efforts of the Secretary-General, his Special Envoy and other actors.

The parties in Libya remain far apart on even beginning negotiations to resolve the conflict. The Libyan Government has repeatedly called for a ceasefire, including an end to NATO operations, as a prerequisite for negotiations. For its part, the TNC maintains that negotiations on a ceasefire and other related aspects can start only with the removal from power of Colonel Al-Qadhafi and members of his family, and the withdrawal of the Libyan army from cities forcibly occupied after the outbreak of hostilities.

The Secretary-General and his Special Envoy to Libya, Mr. Abdel-Elah Al-Khatib, the African Union (AU) and other stakeholders have been making every effort to narrow these differences and to begin a credible negotiating process. The Secretary-General has been in almost daily discussions with Libyan authorities and world leaders on the situation in Libya. In several telephone conversations with the Libyan Prime Minister, Mr. Al Baghdadi Ali Al-Mahmoudi, the latest of which took place on 24 May, the Secretary-General reiterated the urgent need for a real ceasefire and serious negotiations on a transition to a Government that fully meets the aspirations of the Libyan people. The Prime Minister has stuck to the stated positions of the Government and called for an end to the coalition bombing campaign.

The Secretary-General attended the extraordinary summit of the Assembly of the African Union on 25 May, which was devoted mainly to discussions on the Libyan crisis. During those discussions, which also included the Special Envoy and me, a number of open and frank discussions took place with leaders of African countries and the AU. Since the Security Council had had similar discussions a few days earlier with the African Union Peace and Security Council, I will not go into detail here today.

While there were strongly divided comments by leaders at the meeting, the final communiqué stated that only a political solution to the current conflict would make it possible to promote sustainable peace in Libya and fulfil the legitimate aspirations of the Libyan people. It called for an end to the coalition bombing campaign. It also called on the African Union High-Level Committee on Libya to visit Libya, and the AU Peace and Security Council to consider the deployment of AU observers and monitors to Libya, dispatch a ministerial delegation to New York to interact with the Security Council, and take practical steps to engage concerned partners on the AU road map.

At the margins of the summit, the Secretary-General held a meeting with the Libyan Foreign Minister, Mr. Abdulati Al-Obeidi, and close confidantes of Colonel Al-Qadhafi. The Secretary-General reaffirmed that his Special Envoy is ready to conduct indirect talks with both sides and emphasized the need for serious detailed dialogue and a cessation of hostilities by both sides. He said that Mr. Al-Khatib would be returning to Tripoli soon for substantive discussions that could lead to a solution responding to the will of the Libyan people. The Foreign Minister and his delegation noted that they were willing to work with the Special Envoy and asked the United Nations and the AU to declare a ceasefire that would include a stop to NATO air strikes, and then to organize elections. He proposed that an election be organized by the AU and the United Nations, adding that Colonel Qaddafi would respect the will of the people in such an election.

At the Group of Eight (G-8) summit in Deauville, France, the Secretary-General called for increased support for humanitarian assistance for the affected populations in the country and in neighbouring countries. He met with many leaders, including the Chairperson of the African Union Commission, Mr. Jean Ping, and the Secretary-General of the League of Arab States, Mr. Amre Moussa. In their final declaration, G-8 leaders demanded the immediate cessation of the use of force against civilians by the Libyan regime forces, as well as the end of all

incitement to hostility and violence against the civilian population. They stressed the central role of the Secretary-General's Special Envoy to Libya, Mr. Al-Khatib, in facilitating an inclusive and lasting political solution, based on the legitimate demands of the Libyan people and taking into account the role of regional organizations, the League of Arab States and the African Union.

For his part, the Secretary-General's Special Envoy to Libya, Mr. Al-Khatib, has focused on two key issues in the past month.

The first has been to ensure that the initiatives of various Member States and regional organizations are coordinated and that the Government and the Transitional National Council are receiving similar messages from the international community. The Special Envoy has also been consulting closely with interested Governments, the African Union, the League of Arab States, the Organization of the Islamic Conference and the European Union, including at the 30 May meeting of all five organizations in Cairo.

Secondly, the Special Envoy has been working to narrow the differences between the two parties so as to get indirect talks under way. He presented his proposals to Government officials in Tripoli on 15 May and to the interim TNC representatives in Doha on 24 May. The proposals revolve around the need to end hostilities, agree on a transitional arrangement, provide safe humanitarian access and fully implement Security Council resolutions 1970 (2011) and 1973 (2011). The Special Envoy held extensive discussions with both parties on a general framework for negotiations and on their perspectives on how to meet the legitimate demands of the Libyan people in establishing constitutional and democratic governance.

Although their positions remain far apart, the authorities in Tripoli and the representatives of the TNC reiterated their continued commitment to work through the Special Envoy. The Special Envoy will return to Tripoli this week, if possible, and report to the Council on his efforts at its convenience.

As the Security Council is aware, the Secretary-General initiated a regional and international partnership on Libya by co-chairing a meeting with the African Union, the European Union, the League of Arab States and the Organization of the Islamic Conference on 14 April. I chaired a similar meeting on 5 May in Rome. The Secretary-General also held extensive discussions in Addis Ababa with African Union members. A meeting was held yesterday in Cairo, chaired by the outgoing Secretary-General of the League of Arab States and attended by Special Envoy Al-Khatib. It focused on coordinating positions to end the conflict. Again, the discussions were frank and involved considerable give-and-take on how to tackle the issues. In all of those meetings, the United Nations has sought to maintain emphasis on a unified message that holds the possibility of early success.

On 30 May, President Jacob Zuma of South Africa visited Tripoli and held discussions with Colonel Al-Qadhafi. I am sure that the South African representative will have more authoritative statements, but according to press reports, President Zuma emphasized the African Union's road map and the communiqué of the African Summit. It seems apparent from the reports that Colonel Al-Qadhafi held to the well-known Libyan positions repeated by his Prime Minister and other Government spokesmen.

Paragraphs 4, 7 and 8 of resolution 1973 (2011) request Member States and regional organizations or arrangements concerned to inform the Secretary-General immediately of the measures they are taking regarding the protection of civilians, humanitarian exemptions and compliance with the ban imposed on flights in Libyan airspace. Since the adoption of this resolution, the Secretary-General has received more than 40 communications from more than 20 Member States and regional organizations and arrangements, informing him of actions taken with respect to the implementation of the resolution. The majority of those communications relate to paragraphs 4 and 8, and the remainder relate to humanitarian exemptions under paragraph 7.

In addition to the letters addressed to the Secretary-General, the Special Envoy has received more than 20 letters and documents from the Government of Libya and the Interim Transitional National Council stating their overall positions and views. In their letters, the Government of Libya state mainly that they have continued to comply with resolutions 1970 (2011) and 1973 (2011), allowing the passage of relevant ships carrying humanitarian aid to those in need, and call upon the United Nations to assist in finding measures to stop bombing of civilians. Through their letters, the Government have requested the assistance of the United Nations to use foreign assets to buy such basic necessities as food supplies

and medicines and to allow fuel for basic services. They also call on the United Nations to assist in ending the military operations.

Last month, I provided the Council with an update on the letter of 26 April from NATO's Secretary General addressed to the Secretary-General conveying its first monthly report. Since then, we have received one weekly report, on 6 May, and a second monthly report, dated 26 May. Both reports have been circulated to Security Council members.

In accordance with paragraph 24 of resolution 1973 (2011), the Secretary-General has appointed seven experts to serve on the Panel of Experts established by that resolution to assist the Committee established pursuant to paragraph 24 of resolution 1970 (2011) in carrying out its mandate as specified in resolutions 1970 (2011) and 1973 (2011). The experts were selected on the basis of their professional merit, with due consideration for geographical diversity, gender balance and focus of expertise. They are expected to meet with the Committee for the first time on the 6 June.

Let me conclude by making three points.

First, protection of civilians in areas where the fighting is taking place still remains a fundamental concern. I reiterate the Secretary-General's appeal for increased support for humanitarian assistance to affected populations both in Libya and in neighbouring countries. All parties to the conflict must of course take measures to spare civilians from the effects of the hostilities.

Secondly, in the political process, our immediate goal is to secure a commitment from the parties to engage in indirect negotiations based on the proposals presented to them by the Special Envoy. We believe that this process is crucial in our efforts to find a lasting solution to the crisis. It also responds to the legitimate demands of the Libyan people and to resolutions 1970 (2011) and 1973 (2011).

Finally, we are making progress on contingency plans for post-conflict peacebuilding. As the Secretary-General mentioned in Addis Ababa last week, the Special Adviser, Mr. Ian Martin, has initiated a pre-assessment process focusing on six areas: political, security apparatus, rule of law and human rights, economic recovery, public administration and physical infrastructure. Of course, the plan will be guided by the principle that the fate of Libya is to be decided by the Libyan people and that their representatives must determine what assistance they would like, in the end, from the international community.

The President (*spoke in French*): I thank Mr. Pascoe for his statement.

I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 11.30 a.m.